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October 8, 1991

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Hon. Dan Morales
Attorney General of Texas
Supreme Court Building
P.O. Box 12548
Austin, Texas 78711-2548

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Opinion Committee

Attention: Madeleine B. Johnson
Opinion Committee

Ladies and Gentlemen:

The District Clerk of Harris County has requested advice regarding the following questions:

1. May a district clerk collect a fee to cover the costs of making certified copies of papers in a cause of action which is to be transferred to another court pursuant to TEX. R. CIV. P. 89? If yes, what amount may be charged as a fee?
2. If a district clerk can collect a fee to cover such costs, against which party should the fee be taxed?
3. If a district clerk can collect a fee to cover the costs of making certified copies of papers for a case which is being transferred to another court, can a district clerk refuse to transfer the case file to that other court until the fee is paid to the district clerk?

**ACCOMPANIED BY ENCLOSURES —
FILED SEPARATELY**

First Assistant: Marsha L. Floyd • Bureau Chiefs: James E. McKnight, Admin. Services, Jerry B. Schank, David R. Hurley • Division Chiefs: Dori A. Wind, Harold M. Streicher, Russell L. Drake, Mary J. McKerral, Donald W. Jackson, Rock W. A. Owens, Frank E. Sanders, Richard S. Hill

Hon. Dan Morales

2

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Please supply us with your opinion on the questions presented.
A memorandum brief is enclosed.

Sincerely,

MIKE DRISCOLL
County Attorney



By Mercedes Leal
Assistant County Attorney

Encl.